

**AFFIDAVIT OF HSI SPECIAL AGENT LINA AWAD
IN SUPPORT OF DETENTION**

Introduction and Agent Background

1. I am a Special Agent with United States Immigration and Customs Enforcement Homeland Security Investigations (“HSI”). I make this affidavit in support of the government’s motion to detain **DUHAMEL CASSAGNOL** and **GENEIVA LATOYAH WHALEY** pending trial.

2. I have been employed as a Special Agent with HSI since February 2009. I am currently assigned to the Office of the Special Agent in Charge, Boston, Massachusetts. I am authorized to investigate crimes involving violations of Title 18, Title 8, Title 19, and Title 21 of the United States Code. I am a graduate of the Federal Law Enforcement Training Center in Glynco, Georgia, where I received training to become a federal agent; specifically, I have received certification in the Criminal Investigator Training Program and the ICE Special Agent Training Program. I have received training relating to the trafficking in persons, including sex trafficking, and other offenses.

3. I have participated in investigations of human trafficking, human smuggling, alien harboring, border violations, drug and firearm trafficking, and related offenses. Many of these investigations have had national or international connections, and many required me to work closely and share information and intelligence with members of other federal, state, and local law enforcement agencies. I have debriefed, and continue to debrief, defendants, informants, and witnesses who have personal knowledge about human trafficking, including sex trafficking, and other crimes occurring in Massachusetts, nationally, and abroad.

4. From my training and experience, I know that individuals are trafficked for several purposes. Some of these purposes are subjection into involuntary servitude, peonage, debt bondage and slavery. Human trafficking is often accomplished through the use of fraud, force and coercion. I am familiar with the federal and state laws which make it a violation to engage in human trafficking, such as 18 U.S.C. §§ 1581 through 1595 (Peonage, Slavery and Trafficking in Persons), 18 U.S.C. §§ 2421 through 2428 (Transportation for Illegal Sexual Activity and Related Crimes) and Massachusetts General Laws Chapter 272 related to the Prostitution industry.

5. Based on my training and experience, I am aware that 18 U.S.C. § 1591 makes it a federal offense for any person to knowingly recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person—or benefit financially or by receiving anything of value from participating in a venture that has engaged in those acts—in or affecting interstate commerce, 1) knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion, or any combination of such means will be used to cause the person to engage in a commercial sex act; or 2) knowing that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act. I am aware that 18 U.S.C. § 1594(c) makes it a federal offense to attempt or conspire to commit any violation of 18 U.S.C. § 1591. I am further aware that pursuant to 18 U.S.C. § 2421, it is a federal offense for a person knowingly to transport an individual in interstate commerce, with intent that such individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense.

6. The facts in this affidavit come from my personal observations and review of

records, my training and experience, information obtained from the review of police reports, information obtained from interviews of witnesses, and other sources of information gathered through my investigation. This affidavit is intended in support of the government's motion for detention and does not set forth all of my and the other investigators' knowledge about this matter.

Background of Sex Trafficking in Boston and Nationally

7. Over the past several years, I and other investigators, including members of HSI, the Federal Bureau of Investigation ("FBI"), the Massachusetts State Police ("MSP"), and BPD (including BPD's Human Trafficking Unit, Homicide Unit, and Youth Violence Strike Force), have conducted both independent and collaborative investigations of Boston residents for sex trafficking, prostitution, and related crimes.¹ Through my own investigations and information shared with me by other investigators, I am aware that these crimes have become more prolific in Boston and other urban areas of Massachusetts, particularly among street gang members and their associates. I believe that there are several reasons for the increase in these crimes.

8. First, "pimping," or supervising the activities of prostitutes, is relatively easy to do. Pimps advertise prostitutes on websites such as Backpage.com and Craigslist.com, which enable pimps to find "johns" in multiple cities or even over state lines.² In addition, by promoting prostitutes on the web, pimps can more easily evade law enforcement. Because the

¹ Many of these investigations remain open and, as a result, I cannot name, or include details specific enough to identify them, for fear of alerting the targets of these investigations, which could cause targets to flee, create a risk of threats to victims and witnesses, or result in the destruction of evidence.

² See, e.g., Phillip Martin, *Sexual and Human Trafficking in the Boston Area (Part Three)*, WGBH, July 12, 2010, http://www.wgbh.org/897/sex_and_labor_trafficking_in_new_england_part_3.cfm; Robert Moossy, *Sex Trafficking: Identifying Cases and Victims*, Nat'l Inst. Just. No. 262 (2008), <http://www.nij.gov/journals/262/Pages/sex-trafficking.aspx>.

girls are off the street, their activities are much less visible to police or social services.³ Hotel rooms—often rented cheaply over websites such as Expedia or Travelocity—offer a secure and discrete operation for sexual encounters. The only challenge for a pimp is to find prostitutes.

9. Second, pimping is a lucrative business. Sex traffickers typically impose nightly quotas of anywhere from \$200 to \$1,000 on prostitutes.⁴ Pimps take these proceeds and allow the prostitute to keep either no money or a small portion of the money. In addition, pimps view sex trafficking as more profitable than other illegal markets. While an individual can sell a drug or gun only once, a pimp can profit from one girl multiple times.⁵

10. Third and perhaps most significantly, both street gang members and others who regularly engage in criminal activity in the Boston area have become very wary of other means of illegal income, such as drug or gun sales. These individuals are aware that drug or gun dealing is a dangerous enterprise, drug dealers are at risk of violence from buyers, sellers and rival dealers. Furthermore, especially with the mandatory minimum penalties applicable to drug and gun possession, drug dealers fear the legal consequences of their activities. In contrast, many individuals view pimping as unlikely to result in criminal prosecution and, in the event that it does, unlikely to result in any kind of significant penalty.

11. Historically, that view has been accurate. Until recently, most laws only addressed straight prostitution. For example, Massachusetts punished the crimes of soliciting for prostitution with a maximum sentence of two and a half years in jail and/or a fine of \$5,000,⁶ and

³ Renee Loth, *Today's Slavery: A Unified Effort to End Human Trafficking*, Boston Globe, Jan. 29, 2011, at 11.

⁴ Polaris Project, Comparison Chart of Primary Sex Trafficking Networks in the United States (2011).

⁵ Loth, *supra* note 3.

⁶ Mass. Gen. Laws ch. 272, § 8.

deriving support from the earnings of prostitution with a maximum sentence of five years in prison and/or a fine of \$5,000.⁷ The Federal Trafficking Victims Protection Act, later amended, became law in 2000. Massachusetts passed its first law addressing human trafficking, the Act Relative to the Commercial Exploitation of People, in 2011. Prior to those statutes, there were no federal or state laws targeting sex trafficking in contrast to straight prostitution.

12. Even so, law enforcement has only just begun to catch up to the magnitude of the problem. Law enforcement efforts face numerous obstacles, such as inadequate resources, reduced budgets, and the challenge of publicizing newly passed statutes.⁸ Indeed, the number of arrests for prostitution has dropped in Massachusetts. In 1995, 2,835 individuals were arrested for prostitution-related offenses whereas only 944 were arrested in 2012.⁹ While that statistic reflects a law enforcement shift away from targeting prostitutes, the overall effect tends to embolden pimps who profit from prostitution.

13. As a result, both street gang members and others who regularly engage in criminal activity in the Boston area have increasingly become involved in pimping. According to the FBI, sex trafficking is the fastest-growing industry in organized crime.¹⁰ Perpetrators have formed organized human trafficking networks.¹¹

⁷ Mass. Gen. Laws ch. 272, § 7.

⁸ Jenifer B. McKim, *State Effort to Target Demand Side Prostitution Stalls*, WGBH, Nov. 17, 2013, <http://wgbhnews.org/post/state-effort-target-demand-side-prostitution-stalls>.

⁹ *Id.*

¹⁰ Jenifer B. McKim, *Sex Trade Clients Seldom Punished; An Intent Unmet in State's 2011 Trafficking Law*, Boston Globe, Dec. 9, 2013, at A1; see also Phyllis J. Newton, Timothy M. Mulcahy, & Susan E. Martin, Nat'l Opinion Research Ctr. at the Univ. of Chi., *Finding Victims of Human Trafficking* 1 (2008).

¹¹ Amanda Walker-Rodriguez & Rodney Hill, *Human Sex Trafficking*, Fed. Bureau of Investigation, http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/human_sex_trafficking.

14. Pimps network with one another in a variety of ways.¹² These networks tend to be informal and social, and can be both competitive and supportive.¹³ Some pimps trade, exchange, buy, and sell women among themselves.¹⁴ Some lend, trade, share, or give women to other pimps.¹⁵ Pimps also sometimes share resources, including sharing hotel rooms.¹⁶ The relationships between pimps is especially important when pimps travel to other cities.¹⁷

15. Nationwide, an estimated 300,000 children are trafficked for sex each year.¹⁸ The number of girls trafficked in Massachusetts is much less certain. The E.V.A. Center, a Boston-based program for women in the sex trade, served 225 adult women between 2006 and 2011,¹⁹ and the Children's Advocacy Center of Suffolk County reported that at least 480 children from Suffolk County have received services related to sex trafficking from 2005 to 2012.²⁰ Younger girls are particularly at risk as they fetch higher rates than their older counterparts.²¹ The United States Department of Justice reported that the average age of entry into prostitution is 13.²² Indeed, girls as young as 11 have been identified as victims of sexual trafficking.²³

¹² Meredith Dank, PhD, Bilal Khan, PhD, et. al., *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major U.S. Cities*, Urban Institute Research Report, March, 2014, available at <http://www.urban.org/publications/413047.html>, p. 182.

¹³ *Id.* at 180.

¹⁴ *Id.* at 183 (citing prior studies).

¹⁵ *Id.* at 183-4.

¹⁶ *Id.* at 184.

¹⁷ *Id.*

¹⁸ Mass. Interagency Human Trafficking Pol'y Task Force, Findings and Recommendations 15 (2013).

¹⁹ *Id.*

²⁰ Suzanne Pienig & Theodore Cross, Children's Advocacy Ctr. of Suffolk County, *From 'The Life' to My Life: Sexually Exploited Children Reclaiming Their Futures: Suffolk County Massachusetts' Response to Commercial Sexual Exploitation of Children* 5 (2012).

²¹ Newton, Mulcahy, & Martin, *supra* note 10, at 48.

²² Mass. Interagency Human Trafficking Pol'y Task Force, *supra* note 12, at 15.

²³ Pienig & Cross, *supra* note 14, at 5.

16. To find prostitutes, pimps loiter at local hang-outs, homeless shelters, and transportation centers, targeting vulnerable girls who may be runaways or homeless or suffer from substance abuse issues or neglect. Pimps also look for vulnerable girls online on social networking sites. Pimps lure these girls with promises of love and protection, eventually exploiting them for commercial sex.²⁴ The victims are subject to alternating cycles of isolation, fear, and even physical abuse, including assault or starvation.²⁵ Still, enforcement of sex trafficking statutes proves difficult because victims become attached to their traffickers, and law enforcement officers have difficulty breaking the pimp's psychological control over the victim.²⁶ In addition, when victims do try to escape, they may have trouble finding help or determining whom they can trust.²⁷ Given the troubled backgrounds of many of these girls, numerous victims lack even the most basic resources—including shelter or food.²⁸

17. The recruitment tactics used by pimps vary and include the use of violence and drugs as well as forms of psychological manipulation.²⁹ The pimps identify the victims' emotional dependencies, basic economic needs, and vulnerability to intimidation and coercion.³⁰ Thus, while some pimps use threats and physical abuse to control victims ("gorilla pimping"),

²⁴ *Id.* at 4-5.

²⁵ *Id.*

²⁶ Walker-Rodriguez & Hill, *supra* note 11.

²⁷ *Joint Statement with Anne C. Gannon, National Coordinator for Child Exploitation Prevention and Interdiction, Office of the Attorney General, Statement Before the S. Comm. on Homeland Security and Governmental Affairs* (2013) (statement of Joseph S. Campbell, Deputy Assistant Director, Criminal Investigative Division, FBI), available at <http://www.fbi.gov/news/testimony/combating-human-trafficking>.

²⁸ *Id.*

²⁹ Meredith Dank, PhD, Bilal Khan, PhD, et. al., *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major U.S. Cities*, Urban Institute Research Report, March, 2014, available at <http://www.urban.org/publications/413047.html> at 157.

³⁰ *Id.* at 166.

others use more nuanced methods (“finesse” pimping).³¹ The methods of manipulation and persuasion can include a variety of non-verbal and indirect methods.³² For instance, it is common for pimps to enter into romantic and/or sexual relationships with women they are recruiting for prostitution.³³ It is also common for pimps to prominently display symbols of wealth and create the image of an attractive associated lifestyle, and the promise of a better life.³⁴

18. Many pimps have a worker that fulfills a role known colloquially as the “Bottom” or “Bottom Bitch.”³⁵ The Bottom generally is an experienced prostitute that has a high level of knowledge about the business, has worked with the pimp of a significant period of time, who carries some management duties, and who may have a child or children with the pimp.³⁶ Bottoms are often used to train, manage, and even discipline other prostitutes.³⁷

19. The consequences of sex trafficking are serious: victims may suffer from anxiety, depression, substance abuse, and Post-Traumatic Stress Disorder.³⁸ The effects of such psychological trauma can be permanent, and victims may turn to addiction to deal with their pain.³⁹ As a result, victims of sex trafficking often need some combination of substance abuse treatment, medical treatment for sexually transmitted diseases such as AIDS or HIV, and mental

³¹ *Id.* at 167.

³² *Id.*

³³ *Id.*

³⁴ *Id.* at 169.

³⁵ *Id.* at 153.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Heather J. Clawson, Amy Salomon & Liza Goldblatt Grace, *Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking* (2008), *available at* <http://aspe.hhs.gov/hsp/07/HumanTrafficking/Treating/ib.htm>.

³⁹ Molly M. Fleming, *The Bonds that Bind Them: Getting Sex-Trafficking Victims Out of the Game Requires Complex Care*, J. Record, Dec. 20, 2013.

health services.⁴⁰

The Federal Targets

20. Over the course of the investigation, I have learned that CASSAGNOL, WHALEY, and others have worked together to commit federal crimes, including violations of laws prohibiting sex trafficking by force, fraud, or coercion, as charged in the indictment against CASSAGNOL, and transportation of an individual for prostitution, as charged in the complaint against WHALEY.

21. CASSAGNOL is 30 years old. Although his first name is Duhamel, two of the victims with whom I spoke (Victim 1 and Victim 2 in the indictment against him) knew CASSAGNOL as “Dubs.” Victim 3 knew CASSAGNOL as “Jamal.”

22. Prior to his federal arrest, CASSAGNOL had arrested been more than ten times on local charges, with arrests dating back to 2006. CASSAGNOL has a 2008 conviction for Possession of a Class D controlled substance, for which he was sentenced to serve thirty days in custody, and a 2008 conviction for attempt to commit breaking and entering, for which he received probation. According to his criminal history, CASSAGNOL has also been fined and placed on probation for operating a motor vehicle after having his driver’s license suspended. The dismissed charges against CASSAGNOL include assault with a dangerous weapon, reckless endangerment of a child, intimidation threatening, possession of a firearm, assault and battery, and breaking and entering.

23. On or about March 28, 2016, CASSAGNOL was arrested in Needham,

⁴⁰ *Id.*

Massachusetts, for driving with a revoked driver's license. According to the arresting officer, during an inventory search of CASSAGNOL's vehicle, the officer discovered a box containing approximately one or two hundred condoms, and two or three overnight should bags, each containing toilet paper, toothpaste, a toothbrush, hand sanitizer, and a change of women's clothing. The officer also found \$1,991 cash on CASSAGNOL's person. CASSAGOL told the officer that the bags belonged to his girlfriend, and that they had just returned from Connecticut. CASSAGNOL further stated that he used to run girls in his neighborhood that needed money, but he was not a street pimp and did not hit girls. CASSAGNOL told the officer that he always split proceeds 50/50 with girls, whom he posted on Backpage.com. CASSAGNOL stated that he had not pimped since he was charged by Lexington police with sex trafficking. CASSAGNOL told the officer that the cash on his person was from an Internal Revenue Service refund.

a. In my training and experience, overnight bags of the sort found in CASSAGNOL's trunk are often referred to as "go bags" and are provided by pimps to the prostitutes (whom they frequently call "girls") they maintain, frequently in hotel or motel rooms. In my training and experience, it is also common for pimps and drug dealers to be in possession of large quantities of cash, which is the most common form of payment for commercial sex acts and illicit drug transactions.

24. WHALEY is 23 years old and has no criminal history. Two of the victims in this case (Victim 1 and Victim 2) knew WHALEY as "G." One, Victim 3, knew her as "Alex."

25. CASSAGNOL and WHALEY both have Massachusetts driver's licenses that list a residential address in Milton, Massachusetts. The address, which is the same on both licenses, belongs to CASSAGNOL's father. Throughout this investigation, however, I have collected

evidence that neither CASSAGNOL nor WHALEY maintains a stable residence there. Most recently, in October 2017, Victim 1 reported that she ran into CASSAGNOL and WHALEY in approximately mid-September 2017 in Hyde Park, Massachusetts. CASSAGNOL and WHALEY stated that they were living together in Vernon, Connecticut. (According to Victim 1, CASSAGNOL also told her that, if she wanted to come back to work for him or needed drugs, she should reach out to him. He provided her with two telephone numbers. Victim 1 also stated that CASSAGNOL had a girl working for him in New York and a few in Massachusetts. According to CASSAGNOL's criminal history records, at the time of this exchange, CASSAGNOL was released on cash bail for a November 2016 charge of operating after having his driver's license suspended or revoked. He remained on bail for that charge through at least November 2017.)

CASSAGNOL and WHALEY's Federal Arrest

26. CASSAGNOL and WHALEY were arrested on December 8, 2017 at Red Roof Plus in Framingham, Massachusetts. According to the hotel ledger, WHALEY had checked into the room on December 6, 2017 and was due to check out on December 8, 2017. At the time of the arrest, a rental car that, according to the Hertz Corporation, had been rented by WHALEY, was parked in the parking lot of the Red Roof.

27. When law enforcement officers entered the room WHALEY had rented, they found CASSAGNOL, WHALEY, a pit bull, and, in plain view on beds and bureaus in the room, six cellular telephones, all smartphones. CASSAGNOL identified one of the phones as his and entered a pattern lock code, unlocking the phone. WHALEY identified another phone as hers and provided a pattern lock code that agents successfully used to unlock the phone. I dialed a

number identified to me by Victim 1 and Victim 2 as belonging to CASSAGNOL, and the phone CASSAGNOL had identified as his rang, showing my phone number on the screen. I did the same using a number identified by victims as belonging to WHALEY, and the phone WHALEY had identified as hers rang. From review of phone provider records, I know both phone numbers to be subscribed to CASSAGNOL.

28. After WHALEY's arrest, I explained the reason for her arrest and read her a statement of rights. She acknowledged understanding them and signed a written waiver, stating that she wished to speak to agents. Among other things, WHALEY stated as follows:

a. WHALEY stated that she was introduced to CASSAGNOL by a person known to me as a prostitute after WHALEY left a person known to me as a violent pimp.⁴¹ (On an earlier occasion, WHALEY reported to me that she worked for this pimp as a prostitute in various states in the northeast, including Massachusetts, Maine, and New York. WHALEY also reported that she eventually entered a romantic relationship with the pimp. A victim who was prostituted by the pimp in the summer of 2013 described WHALEY as the pimp's "Bottom.")

b. WHALEY stated that, while staying with CASSAGNOL, she began to post herself on prostitution websites, giving the money she made from prostitution to CASSAGNOL. WHALEY stated that CASSAGNOL was violent with her on two occasions, breaking her glasses on one of them, and had punched her in the face.

⁴¹ In 2016, the person I described as a violent pimp pled guilty in federal district court for the District of Massachusetts to four counts of transportation of an individual with intent to engage in prostitution, in violation of 18 U.S.C. 2421, and one count of conspiracy to transport individuals for prostitution, in violation of 18 U.S.C. § 371. Pursuant to a plea agreement under Fed. R. Crim. P. 11(c)(1)(C), this defendant was sentenced to a term of 135 months' imprisonment, and the government dismissed two counts of sex trafficking by force, fraud, or coercion, in violation of 18 U.S.C. §§ 1591(a) and (b)(1). According to the indictment, the conduct at issue in that case ranged from April 2013 through February 2014.

c. WHALEY stated that she and CASSAGNOL posted prostitution advertisements online and that they had travelled to Massachusetts, Connecticut, New Jersey, New York, and Florida for the purpose of prostitution. WHALEY stated that she and CASSAGNOL sometimes worked in prostitution when they went on trips or vacations together. During the interview, WHALEY made reference to a female working for her and CASSAGNOL in prostitution who had been arrested at a hotel in Manchester, Connecticut, with a man in the hotel room with her.

d. WHALEY identified the remaining four smartphones found in her hotel room as “work phones.” WHALEY stated that she did not know the telephone numbers associated with the phones, but she did know the pattern lock code for one, which she provided to me.

i. Based on my training and experience, in this context, I understand a “work phone” to be a phone provided by a pimp to a prostitute for use communicating with the pimp, his Bottom (if applicable), and with johns (sex-for-a-fee clients).

ii. There is additional evidence from this investigation that CASSAGNOL provides “work phones” to victims he prostitutes. Victim 2 reported that CASSAGNOL gave her two phones. Review of the contents of the phones, which are in HSI custody, and interviews with Victim 2 indicate that Victim 2 used the phones to communicate with CASSAGNOL, WHALEY, and johns.

Conclusion

29. For the foregoing reasons and those to be offered at the hearing, **CASSAGNOL** and **WHALEY** should be detained pending trial.

I declare under penalty of perjury under the laws of the United States that the foregoing is

true and correct.

A handwritten signature in cursive script, reading "Lina Awad", written in black ink.

Lina Awad
Special Agent, HSI

Dated: December 14, 2017